

FEB 27 2007

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### FAX COVER PAGE

DATE: February 27, 2007

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TO: Examiner Jerry L. Cumberledge  
COMPANY: Group Art Unit 3733FAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Douglas A. Collier

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RE: Response to Office Action for U.S. Patent Application No. 10/689,277 to Eddie F. Ray III

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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Doc. No. 912,236

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/689,277	
	Filing Date	October 20, 2003	
	First Named Inventor	Eddie F. Ray III	
	Art Unit	3733	
	Examiner Name	Jerry L. Cumberledge	
Total Number of Pages in This Submission	9	Attorney Docket Number	MSDI-268/PC545.02

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault, LLP		
Signature	<i>Douglas A. Collier</i>		
Printed name	Douglas A. Collier		
Date	February 27, 2007	Reg. No.	43,556

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Douglas A. Collier</i>		
Typed or printed name	Douglas A. Collier	Date	February 27, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner:
Eddie F. Ray III	)	Jerry L. Cumberledge
	)	
Serial No.: 10/689,277	)	Group Art Unit: 3733
	)	
Filed: October 20, 2003	)	Attorney Docket: MSDI-269/PC545.02
	)	
METHODS AND INSTRUMENTATION	)	February 27, 2007
FOR VERTEBRAL INTERBODY	)	
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**RESPONSE TO FIRST OFFICE ACTION**

Commissioner for Patents  
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Sir:

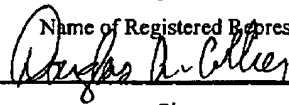
In response to the non-final Office Action mailed November 30, 2006, please enter and consider the following remarks. Please provide any extensions of time necessary and charge any fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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Response to 1<sup>st</sup> Office Action  
Serial No. 10/689,277  
Attorney Docket No. MSDI-269/PC545.02  
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